

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

ANITA CHESTER,

Plaintiff,

v.

DOLLAR TREE STORES, INC.,
FAMILY DOLLAR STORES OF
GEORGIA, LLC, and RICHARD
MATHEW TERZIAN LIVING TRUST
FRANCINE MARIE TERZIAN
LIVING TRUST and RICHARD M.
TERZIAN as an Individual; and
FRANCINE M. TERZIAN, as an
Individual

Defendant.

CIVIL ACTION

FILE NO. _____

23-C-03752-S6

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Anita Chester, plaintiff, and makes and files this complaint against defendants Dollar Tree Stores, Inc., Family Dollar Stores of Georgia, LLC, and Richard Mathew Terzian Living Trust Francine Marie Terzian Living Trust and Richard M. Terzian as an Individual and Francine M. Terzian as an Individual as follows:

PARTIES AND JURISDICTION

1.

Plaintiff Anita Chester resides in DeKalb County and is subject to the jurisdiction of this court.

2.

Dollar Tree Stores, Inc. is a foreign profit corporation existing under the laws of Virginia with its principal place of business in Virginia and may be served through its registered agent Corporation Service Company at 2 Sun Court, Suite 400, Peachtree Corners, GA 30092 and is subject to the jurisdiction of this court.

3.

Family Dollar Stores of Georgia, LLC is a foreign limited liability company existing under the laws of Virginia with its principal place of business in Virginia and may be served through its registered agent Corporation Service Company at 2 Sun Court, Suite 400, Peachtree Corners, GA 30092 and is subject to the jurisdiction of this court.

4.

Richard Mathew Terzian Living Trust Francine Marie Terzian Living Trust is a real estate management business existing under the laws of Colorado with its principal place of business in Colorado and may be served at its principal place of business 8510 Ryewood Trail, Colorado Springs, CO 80919; is the owner of the property located at 319 N. Stone Mountain Lithonia Rd., Stone Mountain, GA 30088; and is subject to the jurisdiction of this court.

5.

Richard M. Terzian resides at 8510 Ryewood Trail, Colorado Springs, CO 80919 and is subject to the jurisdiction of this court.

6.

Francine M. Terzian resides at 8510 Ryewood Trail, Colorado Springs, CO 80919 and is subject to the jurisdiction of this court.

7.

Jurisdiction and venue are proper in this court.

BACKGROUND

8.

On or about July 1, 2022, plaintiff was an invitee at Family Dollar Stores of Georgia, Inc. at the 319 N. Stone Mountain Lithonia Rd., Stone Mountain, GA 30088 location.

9.

Plaintiff was walking away from the door because there was a notice that the store was not open due to renovations. As she headed back to her vehicle, Plaintiff slipped and fell on the uneven pavement and/or pothole in the parking lot

10.

There were no hazard cones or other warnings in the area of the uneven pavement and/or pothole at the time of the fall.

11.

Defendant had exclusive ownership, possession and control over Walmart at all times relevant to this litigation.

12.

As a result of plaintiff's fall, she suffered back pain, neck pain, left shoulder pain, and a fractured fibula (right). An MRI of her right knee without contrast was performed at American Health Imaging on or about July 10, 2022, which revealed a fracture on the head of the fibula on series 8 image 24, a comminuted fracture. She was diagnosed with right knee DJD M17.11; fracture of right proximal fibula S82.831A. M79.10 myalgia, unspecified site; M62.830 muscle spasm of back; M25.512 pain in left shoulder; M54.2 cervicgia; M99.01 segmental and somatic dysfunction of cervical regional; M99.01 segmental and somatic dysfunction of thoracic region; and M54.50 low back pain, unspecified. Knee replacement has been recommended.

COUNT 1
PREMISES LIABILITY

13.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 12 above as if fully restated.

14.

Plaintiff was an invitee on the premises at the time of the fall.

15.

Defendant owed a nondelegable duty of reasonable care in keeping the premises safe for invitees such as plaintiff.

16.

Defendant was negligent in failing to properly inspect the area where the fall occurred, in failing to repair the hazard on the ground, in failing to take adequate measures to protect invitees from uneven pavement and potholes on the ground and in failing to keep the premises safe for invitees.

17.

Defendant's negligence was the proximate cause of plaintiff's injuries.

COUNT 2
VICARIOUS LIABILITY

18.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 17 above as if fully restated.

19.

At all times relevant to this action, the individuals responsible for inspecting, cleaning and maintaining the area where plaintiff fell were employed by defendant and were acting within the scope of their employment.

20.

Defendant is responsible for the conduct of these individuals under the doctrine of *respondeat superior*, agency or apparent agency.

COUNT 3
NEGLIGENT TRAINING & SUPERVISION

21.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 20 above as if fully restated.

22.

Defendant was negligent in failing to adopt appropriate policies and procedures to make sure that appropriate inspections, cleaning and maintenance were performed on the premises and in failing to train its employees concerning safety procedures for inspecting, cleaning and maintaining the premises.

23.

Defendant was negligent in training and supervising its staff.

24.

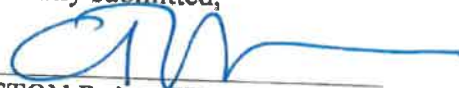
As a result of defendant's negligence in training and supervising its employees, plaintiff was injured on the premises.

WHEREFORE, plaintiff prays that she have a trial on all issues and judgment against defendant as follows:

- (a) That plaintiff recover the full value of past and future medical expenses and past and future lost wages in an amount to be proven at trial;
- (b) That plaintiff recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;
- (c) That plaintiff recover such other and further relief as is just and proper;
- (d) That all issues be tried before a jury.

This 1 day of June, 2023.

Respectfully submitted,



CARETON R. MATTHEWS
Attorney for Plaintiff
GA State Bar No. 447440



JESSICA ANGELIQUE AUSTIN
Attorney for Plaintiff
GA State Bar No. 552820

4820 Redan Road, Suite B
Stone Mountain, Georgia 30088
Office: 404-298-9098
Fax: 404-298-7969
Email: law@crmatthewslaw.com

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Anita Chester

PLAINTIFF

CIVIL ACTION

NUMBER:

23-C-03752-S6

VS.

DollarTree Stores, Inc.

Family Dollar Stores of GA, LLC

Richard Terzian and Francine Terzian

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

LAW OFFICES OF Careton R. Matthews
4820 Redan Road Suite B
Stone Mountain, Ga 30088

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

1st day of June, 2023

This _____ day of _____, 20____.

Tiana P. Garner
Clerk of State Court

By

Camelia Sorloz

Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of Gwinnett State Court County

For Clerk Use Only

Date Filed _____
 MM-DD-YYYY

Case Number 23-C-03752-S6

Plaintiff(s)

Chester, Anita

Last	First	Middle I.	Suffix	Prefix

Defendant(s)

Dollar Tree Stores, INC.

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney Careton Matthews

State Bar Number 447440

Self-Represented ☐

Check one case type and one sub-type in the same box (if a sub-type applies):

General Civil Cases

- ☐ Automobile Tort
☐ Civil Appeal
☐ Contempt/Modification/Other Post-Judgment
☐ Contract
☐ Garnishment
☒ General Tort
☐ Habeas Corpus
☐ Injunction/Mandamus/Other Writ
☐ Landlord/Tenant
☐ Medical Malpractice Tort
☐ Product Liability Tort
☐ Real Property
☐ Restraining Petition
☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
☐ Contempt
☐ Non-payment of child support, medical support, or alimony
☐ Dissolution/Divorce/Separate Maintenance/Alimony
☐ Family Violence Petition
☐ Modification
☐ Custody/Parenting Time/Visitation
☐ Paternity/Legitimation
☐ Support – IV-D
☐ Support – Private (non-IV-D)
☐ Other Domestic Relations

- ☐ Check if the action is related to another action pending or previously pending in this court involving some or all of the same: parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- ☐ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in OCGA § 9-11-7.1.

- ☐ Is a foreign language or sign-language interpreter needed in this case? If so, provide the language(s) required.

Language(s) Required _____

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

ANITA CHESTER
Plaintiff,

VS,

CIVIL ACTION FILE NO. 23-C-03752-S

DOLLAR TREE STORES, INC., FAMILY DOLLAR STORES OF
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TRUST FRANCINE MARIE TERZIAN LIVING TRUST AND
RICHARD M. TERZIAN AS AN INDIVIDUAL; AND FRANCINE
M. TERZIAN, AS AN INDIVIDUAL
Defendants.

AFFIDAVIT OF SERVICE UPON DOLLAR TREE STORES, INC.

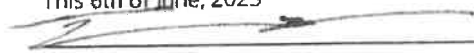
Personally appeared before me, an officer duly authorized by law to administer oaths, the person of HAKIMAH HUDSON -
PROCESS SERVER, who after first being duly sworn, and states:

1. My name is HAKIMAH HUDSON - PROCESS SERVER, and I am competent in all respects to testify regarding the matter set forth herein. I have personal knowledge of the facts stated herein and know them to be true. I have no interest in the outcome of the above action and I am not related to any of the parties.
2. I am a resident of the State of Georgia and a citizen of the United States of America and am over age twenty-one (21). I have been appointed as Process Server in the STATE COURT OF GWINNETT COUNTY and I have been assigned in the above-styled case to perfect service of process of the pending Summons and Complaint upon DOLLAR TREE STORES, INC.
3. On Jun 5, 2023 at approx. 11:46 am at the 2 SUN CT SUITE 400, PEACHTREE CORNERS, GA 30092 address, I served the pending SUMMONS AND COMPLAINT (JURY TRIAL DEMANDED) upon DOLLAR TREE STORES, INC., by leaving said service documents with Barry Smith, an Employee at Thompson/O'Brian, who is a designated representative of Corporation Service Company, the Registered Agent for DOLLAR TREE STORES, INC., and who is authorized to accept service of process on behalf of DOLLAR TREE STORES, INC.

This 6th of June, 2023.


HAKIMAH HUDSON - PROCESS SERVER

Sworn to and subscribe before me
This 6th of June, 2023


Notary Public,

My commission expires on _____

Frank L Swindle
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 03/10/2027

E-FILED IN OFFICE - EP
CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
23-C-03752-S6
6/7/2023 9:29 AM
TIANA P. GARNER, CLERK

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STATE OF GEORGIA

ANITA CHESTER
Plaintiff,

VS.

CIVIL ACTION FILE NO. 23-C-03752-S

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TRUST FRANCINE MARIE TERZIAN LIVING TRUST AND
RICHARD M. TERZIAN AS AN INDIVIDUAL; AND FRANCINE
M. TERZIAN, AS AN INDIVIDUAL
Defendants.

AFFIDAVIT OF SERVICE UPON FAMILY DOLLAR STORES OF GEORGIA, LLC

Personally appeared before me, an officer duly authorized by law to administer oaths, the person of HAKIMAH HUDSON -
PROCESS SERVER, who after first being duly sworn, and states:

1. My name is HAKIMAH HUDSON - PROCESS SERVER, and I am competent in all respects to testify regarding the matter set forth herein. I have personal knowledge of the facts stated herein and know them to be true. I have no interest in the outcome of the above action and I am not related to any of the parties.
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This 6th of June, 2023.



HAKIMAH HUDSON - PROCESS SERVER

Sworn to and subscribe before me

This 6th of June, 2023



Notary Public,

My commission expires on _____

Frank L Swindle
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 03/10/2027